

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:07-HC-2185-BO

UNITED STATES OF AMERICA)	
)	
Petitioner,)	
)	SETTLEMENT AGREEMENT
v.)	
)	
MATHIAS THOMAS KOPP,)	
)	
Respondent.)	

Petitioner, the United States of America, by and through the United States Attorney for the Eastern District of North Carolina, and Respondent, Mathias Kopp, by and through his counsel of record, Sonya Allen, have agreed that this matter should be concluded in accordance with terms and conditions of this agreement as follows:

1. This agreement constitutes the full and complete record of the agreement of this matter. There are no other terms of this agreement in addition to or different from the terms contained herein.

2. Respondent admits and stipulates that the United States lawfully certified and detained Respondent as a sexually dangerous person under the Adam Walsh Act, as codified in 18 U.S.C. § 4248 pursuant to procedures established in 18 U.S.C. § 4248(a) and that said statute was upheld as constitutional in

United States v. Comstock, 130 S.Ct. 1949 (2010), and again on remand to the Fourth Circuit of Appeals, in United States v. Comstock, 627 F.3d 513 (4th Cir. 2010), and that based on the above established procedures his release from imprisonment was stayed on October 5, 2007.

3. Respondent admits and stipulates that the U.S. Parole Commission has compiled a Transfer Treaty Determination pursuant to 18 U.S.C. § 4106A, in connection with Respondent's Foreign conviction for Rape of an Individual Not older than Twelve in Hungary. This Transfer Treaty Determination imposed upon him a seven-year and eight-month sentence with a 36-month term of supervised release, and that the term of supervised release was to be served upon his release from imprisonment, and that the Transfer Treaty Determination ordered that he report in person to the probation office in the district of his release within 72 hours of his release from the custody of the Bureau of Prisons.

4. Petitioner agrees and promises that, in consideration of Respondent's admissions and stipulations set out in Paragraphs 2 and 3 above, the United States will file a motion under Rule 41 of the Federal Rules of Civil Procedure asking the Court to dismiss this action and to lift the stay on Respondent's release from imprisonment under Title 18 U.S.C. § 4248.

5. Petitioner and Respondent jointly request that the Court conduct a hearing to inquire of counsel for the United States, Respondent, and Respondent's counsel whether each of them personally affirms in open court that the terms and conditions of this settlement agreement have been entered and undertaken knowingly and voluntarily after having had adequate opportunity to seek counsel.

Respectfully submitted on this the 11th day of October, 2011.

THOMAS G. WALKER
UNITED STATES ATTORNEY

BY:


MICHAEL PREDENBERG

Special Assistant U.S. Attorney


MATHIAS KOPP

Respondent


SONYA ALLEN

Attorney for Respondent

APPROVED, this 14 day of October, 2011.


TERRENCE W. BOYLE

United States District Judge